

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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STATE FARM FIRE AND CASUALTY  
COMPANY,

Plaintiff,

Civil Action No. 5:10-CV-347

vs.

SHOP-VAC CORPORATION,

Defendant.

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APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

ALI, PAPPAS LAW FIRM  
614 James Street  
Suite 100  
Syracuse, New York 13203

BRIANNE CARBONARO, ESQ.

FOR DEFENDANT:

BAILEY, KELLEHER LAW FIRM  
Pine West Plaza 5  
Suite 507  
Washington Avenue Extension  
Albany, NY 12205

NANNETTE KELLEHER, ESQ.

NEAL P. MCCURN  
SENIOR U.S. DISTRICT JUDGE

JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT

The parties have entered into an agreement in settlement of all

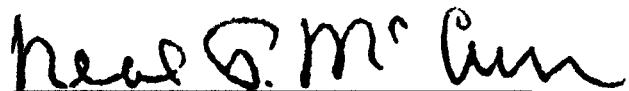
claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: March 24, 2011  
Syracuse, New York

A handwritten signature in black ink, appearing to read "Neal P. McCurn".

Neal P. McCurn  
Senior United States District Judge